

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Initially, it is noted that the Office Action dated September 14, 2009, indicates that the foreign references (except for WO 02/47352 A2) listed in the Information Disclosure Statement (IDS) filed May 25, 2006, fails to provide an English Abstract and the foreign reference 2004-515863 fails to comply with 37 CFR § 1.98(a)(1). Thus, the Office Action indicated that those references have been placed in the application file but not considered.

However, it is noted that 37 CFR § 1.98 does not require that an English Abstract be provided for each reference listed that is not in the English language. Further, as noted in MPEP § 609.04(III),

[e]ach information disclosure statement must further include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information listed that is not in the English language.

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, **the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office.** This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.

The IDS filed May 25, 2006, included a copy of an International Search Report, in the English language, which indicates the degree of relevance found by the foreign office and, thus, satisfies the requirement for a concise explanation of relevance. Further, it is noted that foreign reference 2004-515863 was listed in the IDS as corresponding to WO 02/47352. Accordingly, it is respectfully submitted that the IDS filed May 25, 2006, complies with the provisions of 37 CFR 1.98. Nevertheless, a supplemental IDS including courtesy copies of

the English Abstracts corresponding to the previously cited Japanese references is being filed herewith, in response to the request by the Examiner.

Claims 18-56 are currently pending. Claims 1-17 have been cancelled without prejudice or disclaimer; and Claims 18-56 have been added by the present amendment. The new claims are supported by the originally filed specification and originally filed Claims 2-9 and 11-16.¹ Thus, no new matter has been added.

In the outstanding Office Action, Claims 1-6, 10-13, and 17 were objected to as containing informalities; Claim 17 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; and Claims 1-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0135748 to Yamada et al. (hereinafter “the ‘748 application”).

It is respectfully submitted that the objections to Claims 1-6, 10-13, and 17; and the rejection of Claim 17 under 35 U.S.C. § 101 are rendered moot by the present cancellation of those claims.

Applicant wishes to thank Examiner Song for the interview granted Applicants’ representatives on December 9, 2009, at which time the differences between the newly proposed claims and the ‘748 application were discussed. The Examiner indicated that the automatically registering feature recited in the newly proposed claims appears to overcome the ‘748 application, pending further search and consideration upon submission of a formal response to the Office Action.

New Claim 18 is directed to an information processing apparatus, comprising:

a network communication unit configured to download
content data from a server over a communication network;

a memory configured to store the downloaded content
data;

¹ See, e.g., paragraphs [0078] to [0094] of the originally filed specification; also see Figs. 7 and 9, and the discussion related thereto.

a control unit configured

to automatically register, without user operation,
identification information of the downloaded content
data to a list, and

to control a display unit to display information
of the downloaded content data in a different way from
information of other content data based on the list; and

a communication unit configured to
communicate with an information reproducing
apparatus, and to transfer to the information
reproducing apparatus the downloaded content data
based on the list.

Claim 18 recites features analogous to the features discussed during the interview of
December 9, 2009.

The '748 application is directed to a device and method for restricting content access
and storage. In particular, the '748 application discusses restricting access and storage of
content that is downloaded from a content provider and stored in a nonvolatile memory of a
communication device such as a portable phone.²

As discussed during the interview, the '748 application fails to disclose a control unit
configured to automatically register, without user operation, identification information of the
downloaded content data to a list.

Further, it is respectfully submitted that the '748 application fails to disclose a control
unit configured to control a display unit to display information of the downloaded content
data in a different way from information of other content data based on the list. Rather, as
discussed during the interview, the '748 application simply discusses displaying on a display
screen of a phone 40, a list of data or programs stored in nonvolatile memory 410, which data
and programs include content downloaded and stored in memory 410.³ The '748 application
does not disclose displaying a list of data or programs *of downloaded content in a different*

² See '748 application, paragraph [0007].

³ Id. at paragraph [0092].

way from information of other content data based on the list. Thus, the '748 application does not disclose the control unit of Claim 18.

Moreover, it is respectfully submitted that the '748 application fails to disclose a communication unit configured to communicate with an information reproducing apparatus, and to transfer to the information reproducing apparatus the downloaded content data based on the list. Rather, as discussed during the interview, the '748 application simply discusses that a user selects, by an operation input, data or a program to access, from among content listed on the display screen.⁴ Further, the '748 application discusses that three modes are envisioned as modes of access to content stored in the nonvolatile memory 410, including reading content from the nonvolatile memory 410, for example, for storing a selected content into UIM 50.⁵ The '748 application does not disclose reading **downloaded content data, based on a list**, for storing into the UIM 50. Thus, the '748 application does not disclose the communication unit of Claim 18.

Accordingly, it is respectfully submitted that Claim 18 (and all associated dependent claims) patentably defines over the '748 application.

New Claim 38 recites, *inter alia*,

automatically registering, by a control unit and without user operation, identification information of the downloaded content data to a list;

controlling, by the control unit, a display unit to display information of the downloaded content data in a different way from information of other content data based on the list; and

transferring, by a communication unit configured to communicate with an information reproducing apparatus, to the information reproducing apparatus the downloaded content data based on the list.

New Claim 56 recites, *inter alia*,

⁴ See '748 application, paragraph [0092].

⁵ Id. at paragraph [0094] and [0095].

automatically registering, by a control unit of the information processing apparatus and without user operation, identification information of the downloaded content data to a list;

controlling, by the control unit, a display unit to display information of the downloaded content data in a different way from information of other content data based on the list; and

transferring, by a communication unit configured to communicate with an information reproducing apparatus, to the information reproducing apparatus the downloaded content data based on the list.

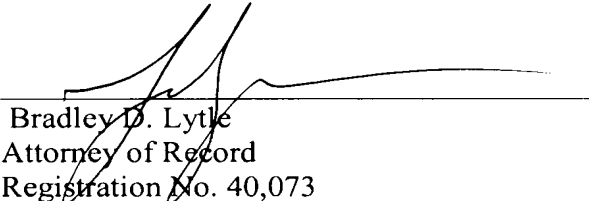
As noted above, the '748 application fails to disclose the control unit and communication unit of Claim 18. Thus, it is respectfully submitted that the '748 application fails to disclose the registering, controlling, and transferring steps of Claims 38 and 56. Accordingly, it is respectfully submitted that Claims 38 and 56 (and all associated dependent claims) patentably define over the '748 application.

Thus, it is respectfully submitted that independent Claims 18, 38, and 56 (and all associated dependent claims) patentably defines over the '748 application.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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